



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/994,195	11/26/2001	Thomas Reisinger	GR 99 P 1912	8292	
7590 03/12/2004 LERNER AND GREENBERG, P.A.			EXAMINER		
			ZIMMERMAN, BRIAN A		
Post Office Box Hollywood, FL			ART UNIT PAPER NUMBER		
•			2635		
			DATE MAILED: 03/12/2004	10	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Corporation Corporation Examiner Examiner		Application No.	Applicant(s)					
Examiner Brian A Zimmerman 2635 The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 27 February 2004. FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a mile rejection (and injection of the proper can be applicated on a proper reply to a mile rejection (and the proper can be applicated on a proper can be applicated and an expension for a proper can be applicated and an expension for a proper can be applicated and an expension for a proper can be applicated by the Office later than three months after the maling date of the final rejection, even if timely filed, may reduce any service of	Advisory Action	09/994,195	REISINGER ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address = THE REPLY FILED 27 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLCWANDCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a imal rejection under 37 CFR 1.13 may ogul, be either: (1) a timely filed amendment which places the application in a recommendation for allowance; (2) a timely filed Notize of Appeal (with appeal feet), or (3) a timely filed Request for Continued Examination (RCC) in compliance with 37 CFR 1.14. PERIOD FOR REPLY (check either a) or b) The period for reply expires 2 months from the malling date of the final rejection. The period for reply expires 0.1(1) the malling date of this Advisory Action, or (2) the date set forth in the final rejection. Whichever is later. In no ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(7). ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(1) the date for purposed of determining the period of between and the corresponding amount of the fee. The appropriate extension fee name been filled is the date for purposed of determining the period of settlemen and the corresponding amount of the fee. The appropriate extension fee name and the corresponding amount of the fee. The appropriate extension fee under the date for purposed whise Office also the shortened statutory period for reply originally set in the final office action; or (2) as set forth in 37 CFR 1.136(a) or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. □ A Notice of Appeal was filed on	Advisory Addon	Examiner	Art Unit					
THE REPLY FILED 27 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filled amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b) The period for reply expires 2 months from the malling date of the final rejection. PERIOD FOR REPLY (check either a) or b) The period for reply expires 2 months from the malling date of the final rejection. ONLY CHICK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for the EINBLAR ELECTION. See MPEP 0000000000000000000000000000000000		Brian A Zimmerman	2635					
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filled amendment which places the application in condition for allowance; (2) a timely filled Notice of Appeal (with appeal fee); or (3) a timely filled Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] The period for reply expires 3 months from the mailing date of the Maharay Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires on. (1) the mailing date of the Maharay Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires on. (1) the mailing date of the Maharay Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires on. (1) the mailing date of the Maharay Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expirate set on the properties extension fee under the properties of the final rejection. Only CHECK THIS BOX WHEIGH THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.139(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee nace been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nace been filed in the date for purposes of the filed within the period of reply expirate actions of the capture of the filed within the period of reply expirate paths and propriate extension fee. The appropriate extension flower than the order of the filed within the period for reply expirate paths and propriate extension fr	The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
a) The period for reply expires 2 months from the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the stututory period for reply expire than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE PIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 765.07(f). The period for reply expires on: (1) the expiration date of the final rejection only check this BOX WHEN THE PIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 765.07(f). The period for reply expires on the property of the period of the final rejection, only check the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. The proposed amendment(s) will not be entered because: (a)	Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (´condition for allowance; (2) a timely filed Notice of Appe	void abandonment of this application to the supplication of the supplication and the supplication which was a supplication of the supplication of	cation. A proper re ich places the appli	ply to a cation in				
b)	PERIOD FOR REPLY [check either a) or b)]							
event, however, will the statutory period for reply expire later than \$IX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.136(a) is calculated from (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth; (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any search patent term adjustment. See 37 CFR 1.704(b). A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2.								
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2.	event, however, will the statutory period for reply expire later th ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The da have been filed is the date for purposes of determining the period of exten 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened (b) above, if checked. Any reply received by the Office later than three more	an SIX MONTHS from the mailing date of FILED WITHIN TWO MONTHS OF THate on which the petition under 37 CFR 1. sion and the corresponding amount of the distallutory period for reply originally set in	of the final rejection. E FINAL REJECTION. \$ 136(a) and the appropriate ex the final Office action; or	See MPEP e extension fee tension fee under (2) as set forth in				
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE:								
(b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3.☐ Applicant's reply has overcome the following rejection(s): 4.☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7.☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-13.16-19. Claim(s) withdrawn from consideration: 8.☐ The drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner. 9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	2. The proposed amendment(s) will not be entered because:							
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. ☐ Applicant's reply has overcome the following rejection(s): 4. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. ☑ The a) ☐ affidavit, b) ☐ exhibit, or c) ☑ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-13,16-19. Claim(s) withdrawn from consideration: 8. ☐ The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	(a) They raise new issues that would require further consideration and/or search (see NOTE below);							
issues for appeal; and/or (d)								
NOTE: 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendmen canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected:1.3.16-19. Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or							
 3. □ Applicant's reply has overcome the following rejection(s): 4. □ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendmen canceling the non-allowable claim(s). 5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-13,16-19. Claim(s) withdrawn from consideration: 8. □ The drawing correction filed on is a) □ approved or b) □ disapproved by the Examiner. 9. □ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 								
 4. □ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendmen canceling the non-allowable claim(s). 5. ☒ The a) □ affidavit, b) □ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☒ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	NOTE:							
canceling the non-allowable claim(s). 5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	3. \square Applicant's reply has overcome the following rejection	ction(s):						
application in condition for allowance because: <u>See Continuation Sheet</u> . 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☑ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☑ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: 8. ☐ The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)		l be allowable if submitted in a s	separate, timely file	d amendment				
raised by the Examiner in the final rejection. 7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-13,16-19. Claim(s) withdrawn from consideration: 8. □ The drawing correction filed on is a) □ approved or b) □ disapproved by the Examiner. 9. □ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)								
explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-13,16-19. Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)		cause it is not directed SOLELY	to issues which we	ere newly				
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1-13,16-19. Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)				and an				
Claim(s) objected to: Claim(s) rejected: 1-13,16-19. Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	The status of the claim(s) is (or will be) as follows:	:						
Claim(s) rejected: 1-13,16-19 . Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	Claim(s) allowed:							
Claim(s) withdrawn from consideration: 8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)	Claim(s) objected to:							
8. The drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s).	Claim(s) rejected: <u>1-13,16-19</u> .							
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s).	Claim(s) withdrawn from consideration:							
	8.☐ The drawing correction filed on is a)☐ approved or b)☐ disapproved by the Examiner.							
10. Other:	9. Note the attached Information Disclosure Stateme	ent(s)(PTO-1449) Paper No(s).						
Brian A Zimmerman Primary Examiner Art Unit: 2635			Brian A Zimmerma Primary Examiner	in				



Continuation of 5. does NOT place the application in condition for allowance because: the applicant's interpretation of Wood fails to realize the section of the reference pointed to by the examiner in the Final Office Action that explains the use of CDMA in the system. Namely col 16 line 65+.